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|---|-------------|----------------------|-------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/826,208 | 04/05/2001 | Max Chu | VX012283 | 2597 |
| 7590 11/03/2004 VARNDELL & VARNDELL, PLLC 106-A South Columbus Street Alexandria, VA 22314 | | | EXAMINER TA, THO DAC | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2833 | |

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|---|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/826,208 | CHU, MAX | |
| | Examiner | Art Unit |  |
| | Tho D. Ta | 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (6,213,815), Belopolsky et al. (6,238,247) and Carswell et al. (5,425,172).

In regard to claim 1, Wu discloses an adapter, comprising a bottom cover shell, a circuit board 2 mounted in the bottom cover shell, a top cover shell covered on the bottom cover shell over the circuit board 2, and a communication cable 31 having one end electrically connected to the circuit board 2 and an opposite end terminating in a RJ45 plug 32 for connection to a RJ45 jack, wherein the circuit board 2 comprises a first connector 4 and a second connector 5.

However, Wu does not disclose that the adapter is a filter adapter.

Belopolsky et al. teaches a filter connector having a circuit board 202 comprising winding means and capacitor means 203.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wu's invention by adding the winding and capacitor means as taught by Belopolsky et al. in order to filter noises and interferences.

Further, Wu does not disclose that the first and the second connectors are RJ45 jacks and adapted to receive the RJ45 plug of an external symmetric digital subscriber line, and the RJ45 plug of a telephone line.

Carswell et al. teaches a telecommunication adapter for interfacing with two RJ45 jacks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Wu's invention by replacing the first and the second connectors 4, 5 with the RJ45 jacks as taught by Carswell et al. in order to utilize as a communication connector.

In regard to the recitation "adapted to receive the RJ45 plug of an external symmetric digital subscriber line, and the RJ45 plug of a telephone line", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

In regard to claim 2, Wu discloses that the bottom cover shell comprises a transverse front opening 12, 13, 14, and two upright locating posts 1016, the upright locating posts 1016 each defining a plug hole, the top cover shell comprises a transverse front opening 12, 13, 14 matching the transverse front opening 12, 13, 14 of the bottom cover shell, and two bottom locating rods 61 respectively fastened to the upright locating posts 1016 of the bottom cover shell, the bottom locating rods 61 each having a round pin respectively plugged into the plug hole of each of the upright locating

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posts 1016; the circuit board 2 is retained between the upright locating posts 1016 of the bottom cover shell and the bottom locating rods 61 of the top cover shell, having two through holes for the passing of the round pin of each of the bottom locating rods 61 of the top cover shell.

In regard to claim 3, Wu discloses that the top cover shell comprises a plurality of bottom hook holes 1011, and the bottom cover shell comprises a plurality of top hooks 1021 respectively hooked in the bottom hook holes 1011 of the top cover shell.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho D. Ta whose telephone number is (571) 272-2014. The examiner can normally be reached on M-F (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THO D. TA
PRIMARY EXAMINER

tdt
10/29/04